

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

In Re:

Tre Amici Leasing, LLC,

Case No. 8:17-bk-5123-CPM
Chapter 11

Debtor(s) _____ /

MOTION TO SELL PROPERTY AND TO SHORTEN NOTICE

The Debtor, by and through its undersigned attorney, hereby files this Motion to Sell Property pursuant to §363 of the Bankruptcy Code and to Shorten Notice to Fourteen (14) Days (the “Motion”), and in support thereof states as follows:

1. On or about June 13, 2017, the Debtor in the above-captioned case filed its Voluntary Petition for Relief under Chapter 11.
2. On or about October 24, 2017 the Debtor filed its Disclosure Statement (Docket No. 50) and Plan of Liquidation (Docket No. 51).
3. Prior to the filing of the Debtor’s Petition, the Debtor owned and operated a transportation service in Pasco County, Florida. However, as a result from Uber, Lyft and other reasons more fully set forth in the Disclosure Statement, the Debtor has not operated profitably in several years.
4. The Debtor has proposed a Plan of Liquidation which proposes that it would sell its assets to the highest bidder or bidders, and distribute the proceeds pursuant to the Bankruptcy Code. The Debtor has received an offer for the purchase of some of its assets from Transportation Management Group, LLC, as more fully set forth below.

5. The proposed sale is for \$10,000.00 for the assets set forth in the attached Exhibit A, plus the assumption¹ of approximately \$180,000.00 of secured indebtedness owed to Ford Motor Credit, Mercedes-Benz Credit and Achieva Credit Union.
6. The proposed sale proceeds far exceed the value of the assets being sold, and is the highest amount the Debtor anticipates that it will receive for the assets being sold. However, the Debtor intends to continue to solicit offers from any interested parties during the notice period, and will accept the offer from the highest bidder, should any other parties choose to bid on the assets which are proposed to be sold.
7. Accordingly, the Debtor has determined that it is in the best interests of the Debtor, its creditors, and the bankruptcy estate to accept the above-referenced offer, and to approve the bidding procedures, more fully set forth below.
8. The proposed Buyer is ***Transportation Management Group, LLC*** and the proposed sale price is \$10,000.00 cash at closing, plus the assumption² of approximately \$180,000 of outstanding secured indebtedness owed to Ford Motor Credit, Mercedes-Benz Financial and Achieva Credit Union for the vehicles designated in Exhibit A.
9. The Debtor proposes that potential third-party bidders be given 14 days from the entry of an Order Granting the Motion to submit a competing bid which exceeds the cash portion of the current offer by at least \$2,500.00, and assumes or satisfies at least as much secured

¹

The Order Approving Sale will include a provision which provides that so long as the party winning the bid tenders any past due contractual payments which may exist at the time of the sale to the associated secured creditor within 15 days of the entry of an Order Approving Sale and remains contractually current thereafter, and provides proof of contractually sufficient insurance, the assumption of the Debtor's indebtedness by the winning bidder will not constitute an event of default, and the secured creditors will not be permitted to repossess their collateral due to the assumption Debtor's indebtedness.

²Including bringing current any payments on assumed indebtedness which are past due.

indebtedness. Bidders must be prepared to close within twenty (20) days of the entry of an Order Approving Sale.

- a. **Bid Deadline.** Competing bids must be received by bids shall be submitted in writing and must be received by the Debtor's counsel of record no later than **5:00 p.m. (Eastern)** within 14 days of the entry of an Order Approving this Motion (the "Bid Date"), at the following address:

Joel S. Treuhaft
Palm Harbor Law Group, P.A.
2997 Alternate U.S. 19, Suite B
Palm Harbor, Florida 34683
Email: joel@palmharborlaw.com
Fax: (727) 213-6933

- b. **Auction Process.** In the event that a competing bid is received, an auction will be held seven (7) days after the close of the Bid Deadline, or as otherwise agreed between the bidding parties. The Auction will take place at the offices of Joel S. Treuhaft, Esq.; Palm Harbor Law Group, P.A.; 2997 Alternate U.S. 19, Suite B; Palm Harbor, Florida 34683 at **11:00 a.m.** Bidders may appear in person or telephonically. The auction will be conducted by Debtor's counsel. The initial bid being the highest competing bid on record and each subsequent bid must exceed the cash portion of the pending offer at the time by at least \$2,500.00, and assumes or satisfies at least as much secured indebtedness
10. The Debtor proposes the above referenced sale in good faith.
 11. Finally, the Debtor requests that this Court shorten the notice period for the proposed sale to fourteen (14) days, or less, and that if an objection to sale, or higher sale price is received by the Debtor or the Clerk of Court during the Notice Period, that this Court set the objection or higher bid for hearing on an expedited basis.

WHEREFORE, Debtor prays for the entry of an Order granting this Motion to Sell Property and to Shorten Notice and for any other relief in law or equity as justice may require.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the forgoing Motion to Sell Property and to Shorten Notice to Fourteen (14) Days has been sent by ECF/CM Notification System, Facsimile, Electronic Mail, Hand Delivery or First Class U.S. Mail, postage prepaid this December 27, 2017 to: U.S. Trustee, 501 E. Polk St. Suite 1200; Tampa, Florida 33602; and the attached mailing matrix.

/s/ Joel S. Treuhaft
Joel S. Treuhaft, Esq.
2997 Alternate 19, Suite B
Palm Harbor, Florida 34683
(727) 797-7799
Facsimile: (727) 213-6933
Email: joel@palmharborlaw.com
FBN: 516929

Exhibit A - Assets to be Purchased**Asset:****Estimated Value:****Vehicles:**

(Title Branded as Taxis, All extremely high mileage)

Free and Clear Titles

2003 Dodge Caravan	\$250
2009 Ford Fusion	\$250
2008 Hyundai	\$250
2003 Lincoln Towncar	\$300
2005 Chrysler 300	\$250
2006 Ford 500 Limited	\$700
Total:	\$2,000

<u>Assumption of Indebtedness</u>	<u>Approximate Indebtedness</u>	<u>Equity</u>
2016 Ford Transit Connect	\$20,000 (Achieva)	\$0.00
2016 Ford Fusion White	\$20,000 (Ford)	\$0.00
2017 Ford Fusion Blue	\$20,000 (Ford)	\$0.00
2016 Ford Transit White	\$20,000 (Ford)	\$0.00
2016 Ford Transit Sandal	\$20,000 (Achieva)	\$0.00
2014 Ford Fusion Black	\$15,000 (Ford)	\$0.00
2015 Mercedes Sprinter	\$45,000 (Mercedes Benz)	\$0.00
2016 Ford Fusion Burgundy	\$20,000 (Ford)	\$0.00

Mechanical Equipment:**Free and Clear**

2 Used portable lifts	\$500
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<u>Assumption of Indebtedness</u>	<u>Approximate Indebtedness</u>	<u>Equity</u>
2 Tire Machines	6,000 (Snap On Credit)	\$0.00
Various Tools	2,500 (Snap On Credit)	\$0.00

Office Furniture, Computers, and Phones:

5 Computers	\$250
7 Monitors	\$350
1-Fax	\$25
2-Printers	\$50
4 Small Monitors	\$50
2 Old CSR computers	\$50

9 Desks Front	\$360
6 Filing Cabinets	\$100
2 Cubicle Desks Back office	\$200
5 Phones used	\$100
Various Chairs	\$100
2 new chairs	\$350
1 camera system	\$150
Total:	\$2,145

DBA: SIGNATURE CAR SERVICE:	\$500
Main Phone Number: 727-834-4444	\$3,500
Roll over numbers: 727-845-1834 727-944-5415	\$200
Fax Number: 727-845-1910	\$100

Label Matrix for local noticing
113A-8
Case 8:17-bk-05123-CPM
Middle District of Florida
Tampa
Thu Dec 28 01:40:24 EST 2017

Donald Rinaldo, Sr.
c/o Scott A. Stichter, Esq.
Stichter Riedel Blain & Postler, P.A.
110 E. Madison St., Ste. 200
Tampa, FL 33602-4718

Advance Auto Parts
P.O. Box 742063
Atlanta, GA 30374-2063

Anthony & Kimberly Marchetti
6208 Ridge Rd., Unit 1
Port Richey, FL 34668-6799

Channel Partners Capital
11100 Wayzata Blvd.
Suite 305
Minnetonka, MN 55305-5537

Donald Rinaldo, Jr.
c/o Scott Stichter, Esq.
110 E. Madison St., #200
Tampa, FL 33602-4718

Duke Energy
P.O. Box 1004
Charlotte, NC 28201-1004

Internal Revenue Service -
P.O. Box 7346
Philadelphia, PA 19101-7346

Logisticare
5875 NW 163rd Street
Suite 103
Miami Lakes, FL 33014-5618

Monroe Capital Management Advisors, LLC
assignee of Channel Partners Capital, LL
c/o Aubrey Law Firm, PC
12 Powder Springs Street, Suite 470
Marietta, Georgia 30064-7211

Ally Financial f/k/a GMAC Inc.
c/o Andrew W. Houchins
Post Office Box 3146
Orlando, FL 32802-3146

Monroe Capital Management Advisors, LLC assi
c/o Aubrey Law Firm, PC
12 Powder Springs Street, Suite 240
Marietta, GA 30064-7205

Ally Bank -
PO Box 130424
Roseville MN 55113-0004

Anthony & William Marchetti
6208 Ridge Rd., Unit 1
Port Richey, FL 34668-6799

Crenshaw Termite & Pest Cont
926 E. 124th Ave., Ste E
Tampa, FL 33612-3547

Donald Rinaldo, Sr.
Donald Rinaldo, Jr.
c/o Scott A. Stichter, Esq.
Stichter, Riedel, Blain & Postler, P.A.
110 E. Madison St., Ste. 200
Tampa, FL 33602-4718

First Insurance Funding Corp
450 Skokie Blvd., Ste 1000
Northbrook, IL 60062-7917

LKQ Corp/Trenia Novak -
655 Grassmere Park Dr
Nashville, TN 37211-3659

Mercedes-Benz Financial Serv
P.O. Box 5260
Carol Stream, IL 60197-5260

Pasco County Solid Waste
7536 State St.
New Port Richey, FL 34654-5528

Donald Rinaldo, Jr.
c/o Scott A. Stichter, Esq.
Stichter Riedel Blain & Postler, P.A.
110 E. Madison Street, Ste. 200
Tampa, FL 33602-4718

Tre Amici Leasing, LLC
6208 Ridge Rd., Unit 1
Port Richey, FL 34668-6799

Ally Financial
P.O. Box 380901
Minneapolis, MN 55438-0901

Anthony Marchetti
6208 Ridge Rd., Unit 1
Port Richey, FL 34668-6799

Department of Revenue
PO Box 6668
Tallahassee FL 32314-6668

Donald Rinaldo, Sr. -
c/o Scott Stichter, Esq.
110 E. Madison St., #200
Tampa, FL 33602-4718

Frontier Communications
610 E. Zack St.
Tampa, FL 33602-3913

LKQ Crystal River
P.O. Box 403078
Atlanta, GA 30384-3078

Monroe Capital Management Advisors, LLC
assignee of Channel Partners Capital, LL
c/o Aubrey Law Firm, PC
12 Powder Springs Street, Suite 240
Marietta, Georgia 30064-7205

Progressive Waste Solutions
6800 Osteen Rd.
New Port Richey, FL 34653-3667

Spectrum
P.O. Box 31710
Tampa, FL 33631-3710

Strategic Funding Source Inc -
Richard Howard, Esq
145 West 45th St Suite 301
New York, NY 10036-4018

Strategic Funding
211 D. Bulifants Blvd.
Suite E
Williamsburg, VA 23188-5729

Wells Fargo Equipment Finance -
800 Walnut Street.
Des Moines, IA 50309-3891

West Florida Battery
7932 U.S. 19
Port Richey, FL 34668-6633

Scott A. Stichter +
Stichter, Riedel, Blain & Postler, P.A.
110 E. Madison Street, Suite 200
Tampa, FL 33602-4718

Joel S Treuhaft +
2997 ALT 19 STE B
Palm Harbor, FL 34683-1909

United States Trustee - TPA +
Timberlake Annex, Suite 1200
501 E Polk Street
Tampa, FL 33602-3949

Andrew W Houchins +
Rush Marshall Jones and Kelly
PO Box 3146
Orlando, FL 32802-3146

J Steven Wilkes +
Office of United States Trustee
501 East Polk Street
Tampa, FL 33602-3949

Anita Walker +
The Aubrey Law Firm, PC
12 Powder Springs Street, Suite 240
Marietta, GA 30064-7205

Nathan A Wheatley +
Office of the U.S. Trustee
501 E. Polk St., Suite 1200
Tampa, FL 33602-3945

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Catherine Peek McEwen
Tampa

(d)Ally Bank -
PO Box 130424
Roseville MN 55113-0004

(d)Ally Financial f/k/a GMAC Inc.
c/o Andrew W. Houchins
P.O. Box 3146
Orlando, FL 32802-3146

(u)Note: Entries with a '+' at the end of the
name have an email address on file in CMECF

Note: Entries with a '-' at the end of the
name have filed a claim in this case

End of Label Matrix
Mailable recipients 41
Bypassed recipients 4
Total 45